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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,001	05/14/2001	Michael R. Oldenburg	14036	1209

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INTELLECTUAL PROPERTY DEPARTMENT  
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MINNEAPOLIS, MN 55402-1498

EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 04/08/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,001

Applicant(s)

OLDENBURG, MICHAEL R.

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 37-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 37-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 37-47, 49-55 and 57-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Karcher (US. 4,696,479).

Karcher discloses a seal comprising:

a housing structure surrounding a shaft, wherein the housing structure comprises a filtering means (felt member 70) for preventing foreign material from entering the sealed area

the housing structure comprises a sleeve (32), a casing (22) and a face plate (93), wherein the faceplate is operably coupled to the sleeve.

Regarding claims 39:

a method for sealing dynamic shaft assembly containing a bore for receiving a seal (seal received in bore, figure 4), comprising;

providing a seal (18) having a faceplate (93) and at least one structure filtering structure (70) between an inner and an outer portion of the seal (inner and outer portion of seal 18) of the seal that substantially limits foreign particles from entering the seal, wherein the faceplate is operably coupled to the inner portion (inner portion of seal near end of 24);

placing the seal into the bore;

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Regarding claims 40-41:

the seal further comprises a first flange (first flange 80) extending radially inwardly from the outer portion (outer portion of 22, 24 and 26) and a perimeter lip (38) extending radially inwardly from the first flange;

the at least one structure (102) and the perimeter lip are constructed of elastomeric material (column 3, line 65-66);

Regarding claims 42-44:

the seal further comprises a main sealing lip (38);

the main lip is biased by a garter spring (44);

Regarding claim 45:

the seal further comprises at least one excluder lip (92);

Regarding claim 46-47:

the seal further comprises a second flange (36) extending radially outwardly from and generally perpendicular to, the inner portion (36 is generally perpendicular to inner portion 32);

the inner portion has a bore that is coated with an elastomeric coating (102);

Regarding claims 49-52:

a seal for sealing a dynamic shaft assembly comprising;

a sleeve (32) adapted to be disposed generally coaxially around a shaft;

a casing (20) adapted to be generally arranged to surround the sleeve;

a faceplate (93), located between the sleeve and the casing, having an inside face and an outside face (inside and outside face of faceplate), the face plate generally perpendicular to the sleeve (face plate 93 is perpendicular to sleeve);

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a filtering material portion, wherein the filtering material portion contacts the inside face of the faceplate (70 contacts inside face of face plate 93) and forms a filtering barrier between the faceplate and the sleeve (70 forms a filtering barrier between the faceplate and the sleeve);

a first flange extending radially outwardly from the sleeve (first flange 36);

at least one flexible member (portion above 88) extending radially outwardly from the first flange (36);

at least one flexible member is made at least in part with an elastomeric material;

Regarding claims 53-54:

a perimeter lip (92) extending axially inward from the flange (36);

the perimeter lip is constructed at least in part with an elastomeric material;

Regarding claims 55 and 57-61:

a main sealing lip (38) in contact with the sleeve (38 contacting 32);

the filtering material is felt;

the main sealing lip is biased with a garter spring;

a second flange extending radially inwardly from the casing (flange 28).

*elastomeric (column 1, lines 46-47)*

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carson in view of Fedorovich et al (US. 4,552,367).

Karcher discloses the invention substantially as claimed above but fails to disclose the outer portion is covered with an elastomeric coating. Fedorovich teaches to have an inner and an outer portions of a seal (inner portion 108 and outer portion 102 which are covered by an elastomer) to be covered by an elastomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the outer portion of Karcher to have a covering of elastomer as taught by Fedorovich, to provide a seal between the outer portion and a housing.

5. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karcher in view of Hatch et al (US. 4,943,068).

Karcher discloses the invention substantially as claimed above but fails the filtering material portion is a synthetic filtering material. Hatch teaches to place a felt filter portion made from foam or felt material (synthetic filter 45 or felt filter). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the filtering material of Karcher to have a synthetic filter as taught by Hatch, since having a filtering member made of felt or synthetic material is considered to be art equivalent.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 37-61 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 309-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** 703-872-9326, for formal communications for entry before Final action: or,  
703-872-9327, for formal communications for entry after Final action.

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**For informal or draft communications**, please label "**PROPOSED**" or "**DRAFT**" and fax to: 703-746-3814.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP

April 5, 2003

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight  
Supervisory Patent Examiner  
Tech. Center 3600